



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

MAY 18 2000

400 Seventh Street, S.W.
Washington, D.C. 20590

Mr. Kendall Hunt
Senior Chemist
Puritan-Bennett Medical Gases
A Unit of Mallinckrodt Inc.
P.O. Box 15915
Lenexa, KS 66285-5915

Dear Mr. Hunt:

This is in response to your application dated October 12, 1999 requesting party status and modification of DOT-E 10704 to authorize a revision to the description of the gases in paragraph 2.a. of the exemption and to authorize a reduction in the minimum required burst pressure of the DOT 2Q specification container. Enclosed is a copy of DOT-E 10704 (FOURTH REVISION) that incorporates the proposed change in paragraph 2.a.

In accordance with 49 CFR 107.113(e) and (g), the portion of your application that requests the change in minimum required burst pressure is denied for the following reasons:

You have not demonstrated that a reduction in the minimum required burst pressure of the DOT 2Q specification container, resulting in a lower safety factor, would be in the public interest.

If you have any questions, please do not hesitate to contact Cheryl West Freeman at (202) 366-4545.

Sincerely,

Robert A. McGuire
Acting Associate Administrator for
Hazardous Materials Safety

Enclosure



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400 Seventh Street, S.W.
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DOT-E 10704
(FOURTH REVISION)

EXPIRATION DATE: November 30, 2001

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Air Liquide America Corporation
Houston, TX

(See Appendix A to this document for a list of additional grantees)

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of certain DOT Specification 2Q containers with Division 2.2 materials that contain trace amounts of a calibration gas or gases used for calibration and functional checks of portable and fixed environmental quality monitors, medical analyzers, or medical monitors. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.

b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce. The safety analyses did not consider the hazards and risks associated with consumer use, use as a component of a transport vehicle or other device, or other uses not associated with transportation in commerce.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.

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4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 173.302(a) only in that DOT Specification 2Q containers are not listed as authorized packagings; Part 172, Subpart C unless transported by air; Part 172 Subpart E unless transported by air; Part 172 Subpart F; Part 174; and Part 177.
5. BASIS: This exemption is based on Air Liquide America Corporation's application dated October 29, 1999, submitted in accordance with § 107.105 and the public proceeding thereon.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi- fication Number	Packing Group
Compressed gas n.o.s. or proper shipping name as specified in § 172.101	2.2	UN1956 or as appropriate	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are seamless DOT Specification 2Q containers not exceeding one liter capacity and having a minimum burst pressure of 360 psig. Containers must be shipped as follows:

- (1) The pressure in the container may not exceed 160 psig at 70°F and 180 psig at 130°F.
- (2) The containers must be packed in strong outside packagings.
- (3) Each package may not exceed 66 pounds gross weight.

b. TESTING - Each completed container filled for shipment must have been heated until the pressure in the container is equivalent to the equilibrium pressure of the content at 130°F without evidence of leakage, distortion, or other defect.

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c. OPERATIONAL CONTROLS - Shipments are not subject to the shipping paper requirements of Subpart C of Part 172 unless offered for transportation by aircraft. Shipments are not subject to the labeling requirements of Subpart E of Part 172 except when offered for transportation by air. The CARGO AIRCRAFT ONLY label must be printed or affixed to a surface (other than the bottom) of each package in proximity to the required marking and labeling on each package intended for transportation by air. Shipments are not subject to the placarding requirements of Subpart F of Part 172; to Part 174 and to Part 177.

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this exemption who receives a package covered by this exemption may reoffer it for transportation provided no modifications or change are made to the package and it is reoffered for transportation in conformance with this exemption and the HMR.

b. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.

c. MARKING - All outer packages must be marked in accordance with the marking requirements of Subpart D of Part 172 and "DOT-E 10704".

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, cargo vessel, and cargo aircraft only.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each aircraft used to transport packages covered by this exemption. The shipper must furnish a copy of this exemption to the air carrier before or at the time the shipment is tendered.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. §101 et seq:

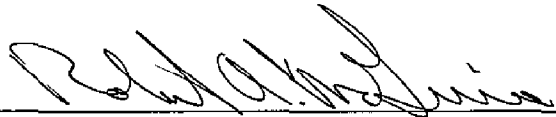
- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when this exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (Sections 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder(s) of this exemption must inform the AAHMS, in writing, of any incident involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:


Robert A. McGuire
Acting Associate Administrator for
Hazardous Materials Safety

MAY 18 2000
(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590.
Attention: DHM-31.

The original of this exemption is on file at the above office. Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

Copies of exemptions may be obtained from the AAHMS, U.S. Department of Transportation, 400 7th Street, S.W., Washington, DC 20590-0001, Attention: Records Center, 202-366-5046.

PO: CWF

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The following are hereby granted party status to this exemption based on their application(s) submitted in accordance with § 107.107 or § 107.109, as appropriate:

Company Name City/State	Application Date	Issue Date	Expiration Date
Gasco Affiliates, L.L.C. Sarasota, FL	4/18/00	MAY 18 2000	11/30/2001
ORB Industries, Inc. Brookhaven, PA	1/11/00	3/3/2000	11/30/2001
Puritan Medical Products, Inc. D/B/A Puritan-Bennett Medical Gases Overland Park, KS	10/12/99	MAY 18 2000	11/30/2001
Scott Specialty Gases, Inc. Plumsteadville, PA	11/12/99	12/6/99	11/30/2001
Southern Cross Corporation Norcross, GA	12/1/99	12/6/99	11/30/2001



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